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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/522,487

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Thierry Machicoane

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EXAMINER

EPSTEIN, BRIAN M

ART UNIT

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4176

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/522,487	<b>Applicant(s)</b> MACHICOANE, THIERRY	
	<b>Examiner</b> BRIAN EPSTEIN	<b>Art Unit</b> 4176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on January 26, 2005 (Preliminary Amdt).
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on January 26, 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20050126</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112, Second Paragraph***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Regarding claims 1, 5, 6, 9-11, and 15, the phrase “such as” renders the claims indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

4. Regarding claims 6, 11, and 15, the phrase “for example” renders the claims indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section

351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-4, 7-9, 12-13, and 16-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Brusseaux (US 6,411,937).

7. As per **claim 1**, Brusseaux teaches a system for guiding a user in a network of pay points delivery goods or services, such as parking ticket dispensers for paying parking fees, said system comprising:

a. A first means for supplying to the user, information on the location of said machine (Abstract; Column 2, lines 53-67; Figure 51). First means can be the display screen.

8. As per **claim 2**, Brusseaux further teaches, wherein said means for supplying the user with information on the location of said machine cooperate with payment means of said machine so that said location information is not supplied to the user until a payment for goods or services has been effected at said machine (Column 2, lines 53-68).

9. As per **claim 3**, Brusseaux further teaches, wherein said information on the location of said machine is a unique identification code (Abstract, Column 1, lines 42-48). It is inherent in the system disclosed in Brusseaux that the information on the location of the machine is a unique identification code. A meter capable of communicating with at least one information server must include a unique identification code to allow the remote server to recognize which meter it is communicating with.

10. As per **claim 4**, Brusseaux further teaches, wherein said information on the location of said machine is printed on a ticket issued by printing means of said machine (Column 2, lines 65-67).

11. As per **claim 7**, Brusseaux further teaches, wherein said machine includes second means for supplying guidance information enabling the user to go from said machine to any other machine of said network, said second means including acquisition means for acquiring information on the location of said other machine supplied by the user (Abstract; Column 2, lines 53-67). Second means can be the paper printed by the parking meter.

12. As per **claim 8**, Brusseaux further teaches, wherein said means for providing guidance information for going from said machine to any other machine of said network cooperate with payment means of said machine so that said guidance information is supplied to the user only after a payment for a service of this kind has been effected at said machine (Column 2, lines 53-67).

13. As per **claim 9**, Brusseaux further teaches, wherein said acquisition means of said machine includes a man machine interface, such as a keypad, on which said user may enter information on the location of said other machine to which he wishes to go (Column 2, line 61; Column 1, lines 47-48).

14. As per **claim 12**, Brusseaux further teaches, wherein said guidance information for going to said other machine is printed on a ticket issued by printing means of said machine (Column 2, lines 65-67).

15. As per **claim 13**, Brusseaux further teaches, wherein said guidance information for going to said other machine is displayed on an appropriate screen of said machine (Figure 51; Column 2, lines 45-46).

16. As per **claim 16**, Brusseaux further teaches, wherein said location information and/or said guidance information comprises the address of said machine (Column 2, lines 60-67). A meter capable of communicating with at least one information server and providing a route to a user must include an address of the machine to recognize where the meter is located and which meter it is communicating with.

17. As per **claim 17**, Brusseaux further teaches, wherein said location and/or guidance information comprises a map of the neighborhood of said machine (Column 2, line 63).

18. As per **claim 18**, Brusseaux further teaches, wherein said guidance information further comprises a description of one or more paths to said other machine from said machine (Column 2, lines 62-66).

19. As per **claim 19**, Brusseaux further teaches, wherein said guidance information further comprises a map of one ore more paths to said other machine from said machine (Column 2, lines 62-66).

***Claim Rejections - 35 USC § 103***

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

22. Claims 5, 10, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brusseaux (US 6,411,937) in view of Fulcher et al. (US 6,505,774).

23. As per **claim 5**, Brusseaux teaches the system of claim 1 as described above. Brusseaux does not explicitly teach, wherein said machine includes appropriate writing means for transferring said information on the location of said machine into the appropriate memories of a contact or contact less type microprocessor card of the user, such as a payment card.

However, Fulcher teaches a similar system, and the system of Fulcher indeed includes said machine includes appropriate writing means for transferring said

information on the location of said machine into the appropriate memories of a contact or contact less type microprocessor card of the user, such as a payment card (Columns 13-14, lines 65-68 and 1-5).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention, to have incorporated appropriate writing means for transferring said information on the location of said machine into the appropriate memories of a contact or contact less type microprocessor card of the user, such as a payment card, in accordance with the teachings of Fulcher, in order to communicate information including location information, as suggested by Brusseaux (Column 1, lines 55-59 and Column 2, lines 62-67), since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

24. As per **claim 10**, Brusseaux teaches the system of claim 7 as described above. Brusseaux does not explicitly teach, wherein said acquisition means of said machine includes a microprocessor card reader for recovering said information on the location of said other machine in the appropriate memories of a contact or contact less type microprocessor card of the user, such as a payment card.

However, Fulcher teaches a similar system, and the system of Fulcher indeed includes said acquisition means of said machine includes a microprocessor card reader for recovering said information on the location of said other machine in the appropriate



memories of a contact or contact less type microprocessor card of the user, such as a payment card (Columns 13-14, lines 65-68 and 1-5).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention, to have incorporated said acquisition means of said machine includes a microprocessor card reader for recovering said information on the location of said other machine in the appropriate memories of a contact or contact less type microprocessor card of the user, such as a payment card, in accordance with the teachings of Fulcher, in order to communicate information including location information, as suggested by Brusseaux (Column 1, lines 55-59 and Column 2, lines 62-67), since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

25. As per **claim 14**, Brusseaux teaches the system of claim 7 as described above. Brusseaux does not explicitly teach, wherein said guidance information for going to said other machine is communicated by voice synthesis means of said machine.

However, Fulcher teaches a similar system, and the system of Fulcher indeed includes said guidance information for going to said other machine is communicated by voice synthesis means of said machine (Column 13, lines 34-50).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention, to have incorporated said guidance information for going to said other machine is communicated by voice synthesis means of said machine, in accordance with the teachings of Fulcher, in order to communicate information including location

information, as suggested by Brusseaux (Column 1, lines 55-59 and Column 2, lines 62-67), since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

26. Claims 6, 11 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brusseaux (US 6,411,937) in view of Brust et al. (US 6,650,999).

27. As per **claim 6**, Brusseaux teaches the system of claim 1 as described above. Brusseaux does not explicitly teach wherein said machine further comprises appropriate radio-frequency transmission means for transferring said information on the location of said machine by radio into the memories of a suitable terminal of the user, such as a mobile telephone, for example, in the form of a voice telephone call, an SMS text message or an email.

However, Brust teaches a similar system, and the system of Brust indeed includes appropriate radio-frequency transmission means for transferring said information on the location of said machine by radio into the memories of a suitable terminal of the user, such as a mobile telephone, for example in the form of a voice telephone call, an SMS text message or an email (Abstract; Column 2, lines 9-40).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention, to have incorporated appropriate radio-frequency transmission means for transferring information on the location of said machine by radio into the memories of a suitable terminal of the user, such as a mobile telephone, for example in the form of a

voice telephone call, an SMS text message or an email, in accordance with the teachings of Brust, in order to communicate information including location information, as suggested by Brusseaux (Column 1, lines 55-59 and Column 2, lines 62-67), since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

28. As per **claim 11**, Brusseaux teaches the system of claim 7 as described above. Brusseaux does not explicitly teach wherein said acquisition means of said machine includes appropriate radio-frequency receiving means for downloading by radio said information on the location of said other machine from a suitable communication terminal of the user, such as a mobile telephone, for example, in the form of a voice telephone call, an SMS text message or an email.

However, Brust teaches a similar system, and the system of Brust indeed includes acquisition means of said machine includes appropriate radio-frequency receiving means for downloading by radio said information on the location of said other machine from a suitable communication terminal of the user, such as a mobile telephone, for example, in the form of a voice telephone call, an SMS text message or an email (Abstract; Column 2, lines 9-40).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention, to have incorporated acquisition means of said machine includes appropriate radio-frequency receiving means for downloading by radio said information on the location of said other machine from a suitable communication terminal of the

user, such as a mobile telephone, for example, in the form of a voice telephone call, an SMS text message or an email, in accordance with the teachings of Brust, in order to communicate information including location information, as suggested by Brusseaux (Column 1, lines 55-59 and Column 2, lines 62-67), since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

29. As per **claim 15**, Brusseaux teaches the system of claim 7 as described above. Brusseaux does not explicitly teach wherein said machine includes appropriate radio-frequency transmitting means for sending said guidance information for going to said other machine to a suitable terminal of the user, such as a mobile telephone, for example, in the form of a voice telephone call, an SMS text message or an email.

However, Brust teaches a similar system, and the system of Brust indeed includes appropriate radio-frequency transmitting means for sending said guidance information for going to said other machine to a suitable terminal of the user, such as a mobile telephone, for example, in the form of a voice telephone call, an SMS text message or an email. (Abstract; Column 2, lines 9-40).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention, to have incorporated appropriate radio-frequency transmitting means for sending said guidance information for going to said other machine to a suitable terminal of the user, such as a mobile telephone, for example, in the form of a voice telephone call, an SMS text message or an email., in accordance with the teachings of

Brust, in order to communicate information including location information, as suggested by Brusseau (Column 1, lines 55-59 and Column 2, lines 62-67), since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

### ***Conclusion***

30. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Galvin (WO 9922348) and Lachat (US 4812805) disclose a network of parking meters.

31. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN EPSTEIN whose telephone number is (571)270-5389. The examiner can normally be reached on Monday to Thursday 7:30am - 5:00pm Eastern Time.

32. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry O'Connor can be reached on (571) 272-6787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

33. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B. E./  
Examiner, Art Unit 4176  
May 20, 2008

/Gerald J. O'Connor/  
Supervisory Patent Examiner  
Group Art Unit 4176